



# Capital Murder case expenses

## Capital Murder case types:

- **Death Penalty:** As many as 3 attorneys
- **Non-Death penalty** (aka “Mini-Caps’): 2 attorneys

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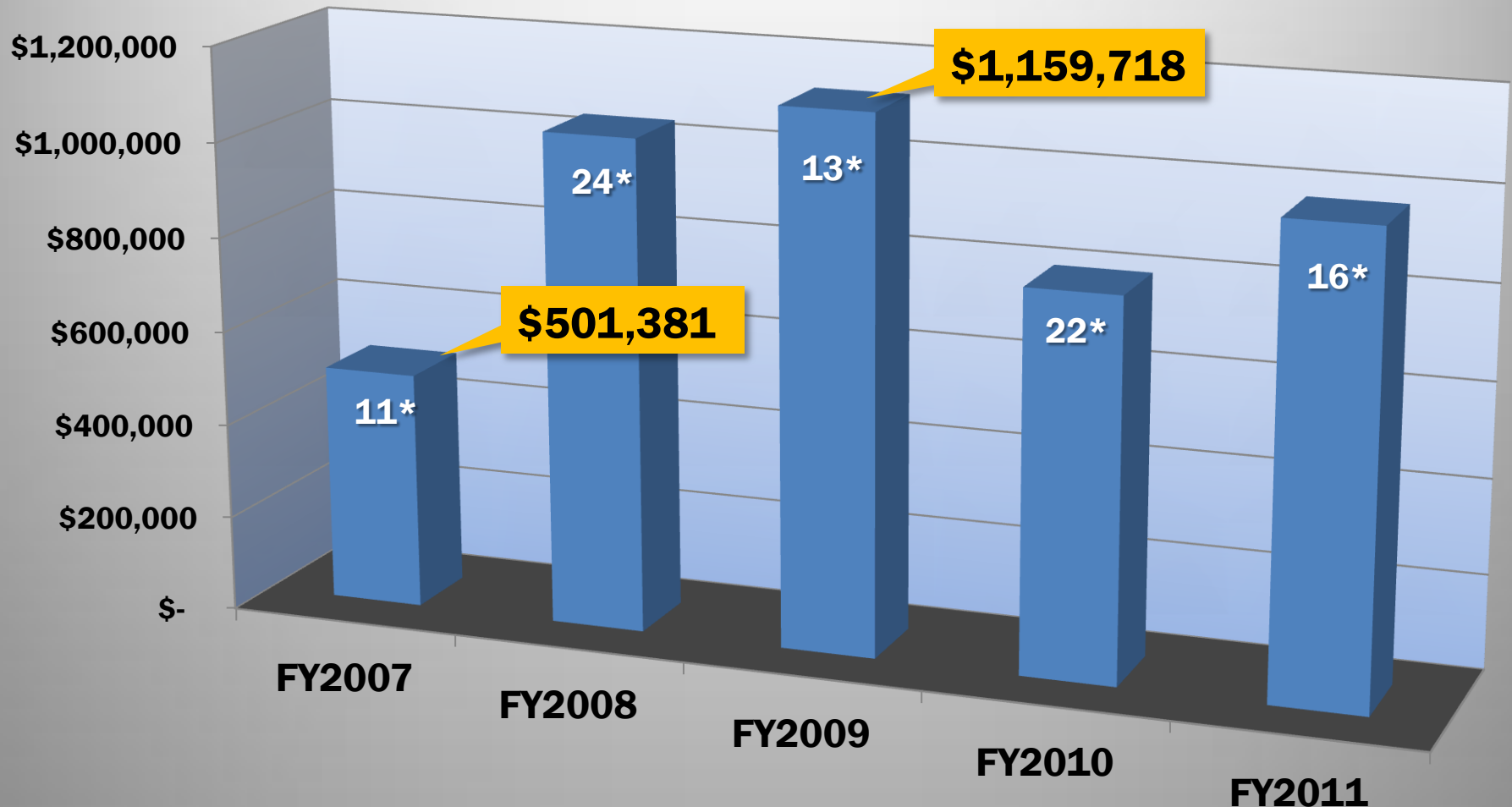
County Auditor records show **35 criminal cases** where, at some point, the county paid out indigent defense fees as capital murder case expenses since FY2007.

This included **5 death penalty** cases; 9 cases went to trial as so-called **mini-caps** (automatic life sentence); others resulted in plea agreements or convictions/indictments at lesser charges, i.e. murder (5-99 years, or life) .

- ## Capital Murder cost totals, FY2007-current:

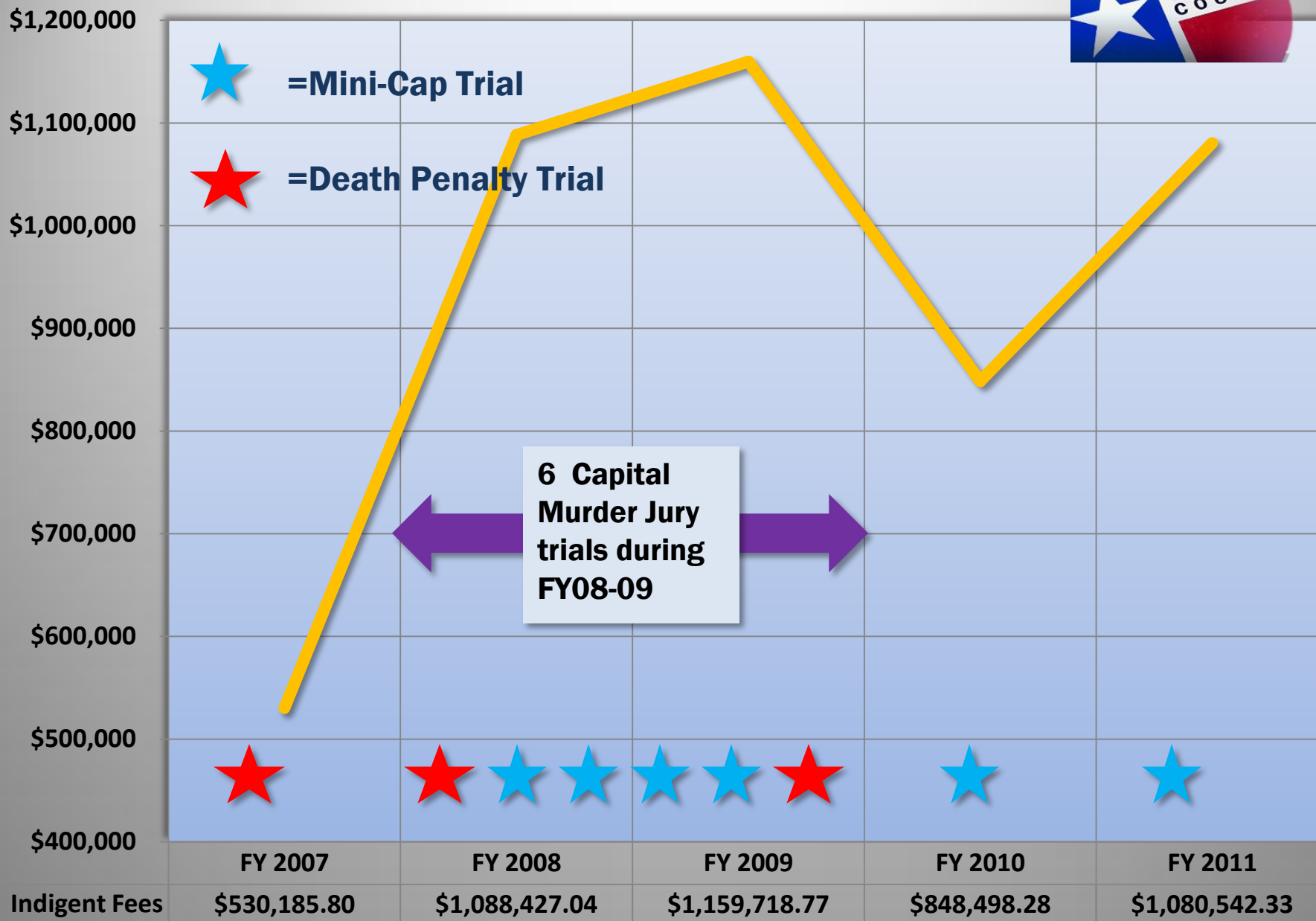


## Indigent Defense costs associated with ANY capital murder case

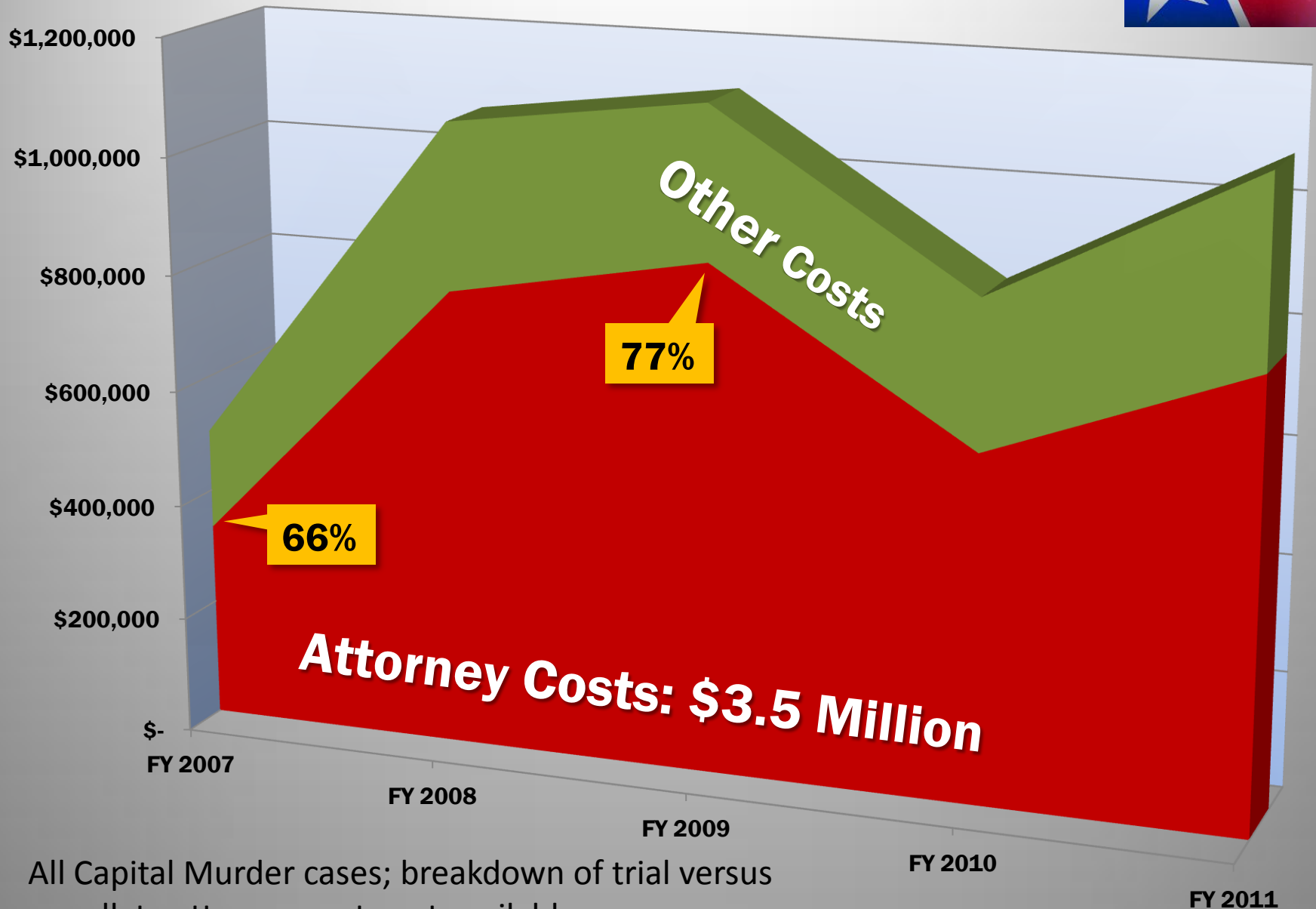


\*Capital Murder cases during the fiscal year that we paid pre- or post-conviction costs. In FY2012, there are 7 active cases and have paid out **\$153,672.32** as of early February.

# Indigent Defense Costs & Trial Activity



# Overall Capital Murder Costs



All Capital Murder cases; breakdown of trial versus appellate attorney costs not available

# Death Penalty case costs

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• <b>1990: Charles Dean Hood*</b>	<b>542,644.03</b>
• <b>2005: Moises Sandoval Mendoza</b>	<b>441,741.69</b>
• <b>2006: John Steven Gardner</b>	<b>247,453.69</b>
• <b>2007: Kasoul Chanthakoummane</b>	<b>601,614.84</b>
• <b>2009: Raul Cortez</b>	<b>718,148.90</b>

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**\$2,551,603.15**

- Death penalty cases with expenses since 2005 totaled 5 cases at a cost of **\$2.5 Million**. The number of cases changed due to the continuing stay of execution for a 1990 trial involving Charles Dean Hood\*, for which we are still absorbing costs after he was granted a new trial (punishment phase only).

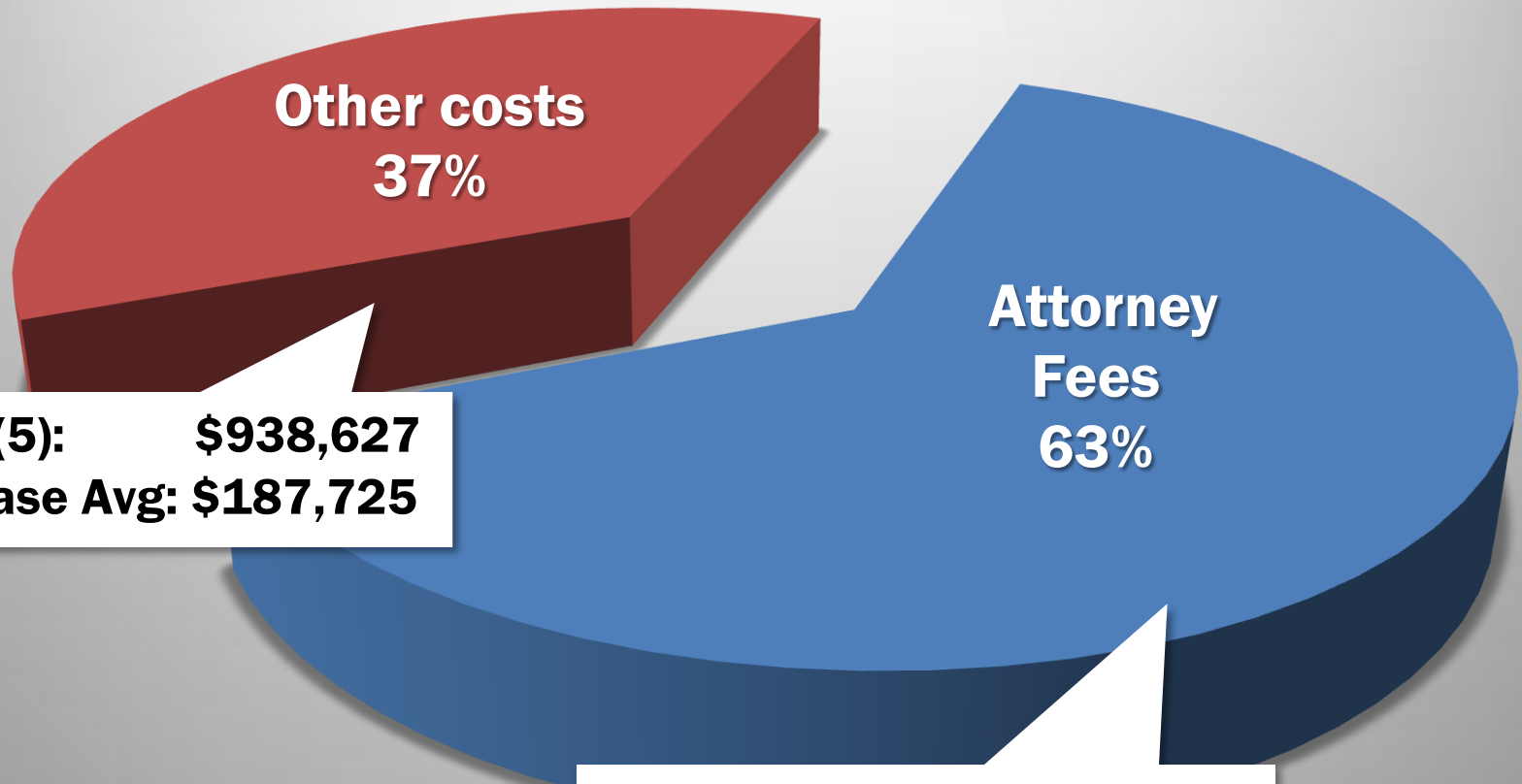


## Time & Cost to Trial

- Of the last **14** capital murder cases that went to trial since 2005 (death penalty or not), the *average* time span from indictment to jury verdict was **490** calendar days. The longest span was **1,237** days; the shortest, **150** days.
  - Average trial cost per death penalty case was **\$510,320** with **63%** of that going to pay trial and appellate attorneys.
  - Average trial attorney fees come to about **\$149,000** per case.
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- Average trial attorney fees for mini-cap cases came to **\$54,088** per case, about **78%** of total trial costs.



## Death Penalty Cases Only



**Total (5): \$938,627**  
**Per Case Avg: \$187,725**

**Total (5): \$1,612,975**  
**Per Case Avg: \$322,595**

**Total: \$2,551,603 / Average cost per trial: \$510,320**



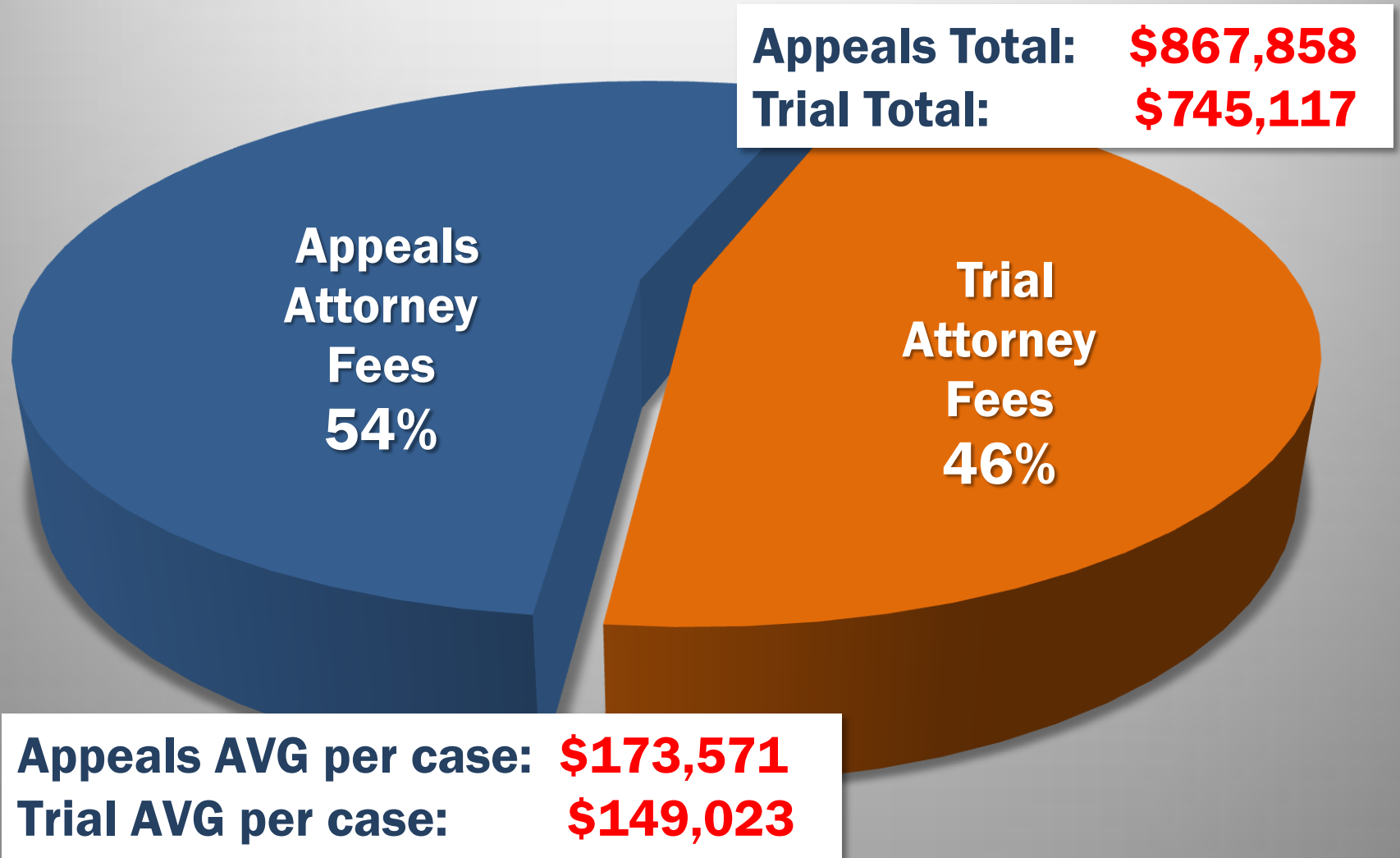


## On Appeal...

- Average time spent on death penalty appeals \*: **1,109** calendar days.
  - County costs for death penalty appeals for the last five cases came to **\$1,513,709** – or about **\$302,741** per case. Some of these appeals are still ongoing.
  - Appellate attorney fees for these **5** cases totaled **\$867, 858** -- or, about **\$173,570** per case.
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- Average time spent on mini-cap case appeals : **650** calendar days.
  - Total appellate cost : **327,142** – or **\$36,349** averaged over **9** cases that went to trial.
  - Average appellate attorney fees per mini-cap case came to **\$26,475**.



## Death Penalty Trials: Attorney Fee Breakdown





# The Attorney Wheel

**Collin County's “wheel” of qualified attorneys to represent defendants in death penalty cases:**

- **Trial attorneys: 15**
- **Appellate Attorneys: 5**

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**Source: *Collin County Texas Fair Defense Act List of Participating Attorneys w/Qualifications (3/2/2012)***



# Attorney Appointments

## Texas Code of Criminal Procedure - Article 26.052.

(e) The presiding judge of the district court in which a capital felony case is filed **shall appoint two attorneys**, at least one of whom must be qualified under this chapter, to represent an indigent defendant as soon as practicable after charges are filed, **unless the state gives notice in writing that the state will not seek the death penalty.**

**And local rules similarly state ...**



## LOCAL RULES TO IMPLEMENT THE TEXAS FAIR DEFENSE ACT

### 2009-2010 PLAN STANDARDS AND PROCEDURES RELATED TO APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS IN FELONY CASES IN COLLIN COUNTY:

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#### 2.04 Selection and Appointment of Counsel in Death Penalty Cases

(a) “Whenever a capital felony case is filed, the **presiding judge in the district court** in which the case is filed **shall appoint two attorneys** pursuant to the following criteria from the First Administrative Region; unless and **until the state gives notice in writing that the state will not seek the death penalty.**”